

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Chad Thorson on 7/16/2008.

Please amend the claims as follows:

**In the claims:**

Claim 12. (Currently Amended) A method of preventing reduction of sales amount of records due to a digital music file illegally distributed through a communication network, comprising:

searching a network for an illegally produced digital music file, which is derived from a record of a cooperating record corporation;

identifying a plurality of digital music files that are substantially the same as ~~similar to~~ the illegally produced digital music file;

collecting one of the plurality of digital music files that has a greatest number of files having the same name, size and playing time;

modifying the collected digital music file; and

redistributing the modified digital music file through the network.

***Allowable Subject Matter***

Claims 12-18 are allowed. The following is an examiner's statement of reasons for allowance: As noted in the Pre-Brief Conference request dated 5/5/2008, the closest prior art fails to disclose "collecting one of a plurality of digital music files, which are substantially similar to an illegally produced digital music file that has a greatest number of files having the same name, size and playing time" within the method of independent claim 12.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEFFREY D. POPHAM whose telephone number is (571)272-7215. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571)272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jeffrey D Popham  
Examiner  
Art Unit 2137

/Jeffrey D Popham/  
Examiner, Art Unit 2137

/Emmanuel L. Moise/  
Supervisory Patent Examiner, Art Unit 2137